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MEMORANDUM

TO: William L. Harp, MD
Executive Director
Virginia Board of Medicine

FROM: Erin L. Barrett
Assistant Attorney General

DATE: August 7, 2017

SUBJECT: *Regulations Governing the Licensure of Occupational Therapists*
18VAC85-80-10 *et seq.*

I have reviewed the amendments to the *Regulations Governing the Licensure of Occupational Therapists*, 18VAC85-80-10, *et seq.* The proposed amendments change requirements for Type 1 continuing education courses consistent with changes in the Code of Virginia following the passage of 2017 Va. Acts Ch. 411. These proposed amendments are exempt from the operation of the Virginia Administrative Process Act and review by the Executive Branch in accordance with Virginia Code § 2.2-4006(A)(4)(a), which provides an exemption for regulations “[n]ecessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved.” Va. Code § 2.2-4006(A)(4)(a). The Board of Medicine has the statutory authority to amend these Regulations under Virginia Code § 54.1-2400. The proposed amendments are constitutional and do not conflict with existing federal or state laws or regulations.

